

HYDEE FELDSTEIN SOTO, City Attorney (SBN 106866)  
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)  
KATHLEEN KENEALY, Chief Assistant City Attorney (SBN 212289)  
CORY M. BRENT, Senior Assistant City Attorney (SBN 115453)  
TY A. FORD, Deputy City Attorney (SBN 218365)  
200 North Main Street, 6th Floor, City Hall East  
Los Angeles, CA 90012  
Phone No.: (213) 978-6900 / Fax No.: (213) 978-8785  
Email: Ty.Ford@lacity.org

*Attorneys for Defendant, MONIQUE CONTRERAS*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

PEOPLE OF CITY OF LOS ANGELES  
WHO ARE UN-HOUSED, AS A  
CLASS REPRESENTED BY D.  
JACOBS, as representative of a class of  
unhoused persons who reside and resided  
in the streets and on the sidewalks of the  
City of Los Angeles,  
  
Plaintiffs.

v.

KAREN BASS, ERIC MICHAEL  
GARCETTI, PAUL KREKORIAN,  
ROBERT BLUMENFIELD, NITHYA  
RAMAN, KATY YAROSLAVSKY,  
IMELDA PADILLA, MONICA  
RODRIGUEZ, MARQUEECE-  
HARRIS-DAWSON, JOHN LEE,  
CURREN PRICE, HEATHER HUTT,  
TRACI PARK, HUGO SOTO-  
MARTINEZ, KEVIN DE LEON, TIM  
Mc OSKER, MONIQUE CONTRERAS,  
1 "DOE" BROWN, ONE HUNDRED  
UNKNOWN NAMED DEFENDANTS,  
1-100,

Defendants.

CASE NO. 2:24-cv-09320 DOC (MAAx)  
*Assigned to: Hon. Judge David O. Carter, Ronald  
Reagan Cthse, Ctrm 10A; Hon. Mag. Maria A. Audero,  
Roybal Bldg, Ctrm. 880*

**DEFENDANT MONIQUE  
CONTRERAS'S SEPARATE  
STATEMENT OF  
UNCONTROVERTED FACTS AND  
CONCLUSIONS OF LAW IN  
SUPPORT OF HER MOTION FOR  
SUMMARY JUDGMENT, OR  
ALTERNATIVELY, PARTIAL  
SUMMARY JUDGMENT**

**[Fed. R. Civ. P. 56]**

*[Filed concurrently with Notice of Motion for  
Summary Judgment; Declarations of Monique  
Contreras and Eric Melendez w-Exhibits; Request  
for Judicial Notice w-Ford Decl and Exhibits;  
Notice of Lodging Flashdrive and [Proposed]  
Order]*

Date: July 14, 2025  
Time: 8:30 a.m.  
Crtrm.: 10A

Trial Date: May 12, 2026  
Complaint Filed: October 29, 2024

**TO ALL PARTIES AND TO THIS HONORABLE COURT:**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56-1, Defendant MONICA CONTRERAS (“Defendant”) hereby submits her Separate Statement of Uncontroverted Facts and Conclusions of Law in support of her Motion for Summary Judgment, or Alternatively, Partial Summary Judgment.

**DEFENDANT’S SEPARATE STATEMENT OF UNCONTROVERTED FACTS**  
**IN SUPPORT OF HER MOTION FOR SUMMARY JUDGMENT, OR**  
**ALTERNATIVELY, PARTIAL SUMMARY JUDGMENT**

<b><u>Undisputed Fact</u></b>	<b><u>Evidence</u></b>
1. On September 2, 2024, Officer Contreras and Officer Brown and driving in a marked black and white police SUV.	<b>Exhibit “1”</b> [Arrest Report], p. 2; <b>Exhibit “2”</b> [BWV of Contreras] at 14:48:46 <sup>1</sup> and 14:49:23; Declaration of Monique Contreras (“Contreras Dec.”) at ¶ 3.
2. Officer Contreras, who is shorter than Officer Brown, was wearing a full police uniform and a body-worn camera which captured part of the incident.	<b>Exhibit “2”</b> [BWV of Contreras]; <b>Exhibit “3”</b> [BWV of Chavez] at 14:52:44 and 14:54:05; Contreras Dec. at ¶ 3.
3. Officer Brown also was wearing a full police uniform but was not wearing a body-worn camera.	<b>Exhibit “2”</b> [BWV of Contreras] at 14:48:59 to 14:50:38 and 14:55:40; <b>Exhibit “3”</b> [BWV of Chavez] at 14:52:44 and 14:55:40; <b>Exhibit “4”</b> [BWV of Espinoza] at 15:01:38 to

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<sup>1</sup> All times referenced from the Body Worn Videos (“BWV”) are the military times indicated in the top right corner of each video.

1		15:01:51.
2	4. Officer Contreras and Officer	<b>Exhibit “1”</b> [Arrest Report], p. 2;
3	Brown observed Plaintiff’s tent erected	<b>Exhibit “2”</b> [BWV of Contreras];
4	on a sidewalk within 500 feet of a	<b>Exhibit “5”</b> [Criminal Complaint];
5	school in violation of Los Angeles	Contreras Dec. at ¶ 3.
6	Municipal Code (“LAMC”) section	
7	41.18(e).	
8	5. Officer Contreras recognized	<b>Exhibit “1”</b> [Arrest Report], p. 2;
9	Plaintiff’s tent and knew that he	Contreras Dec. at ¶ 3.
10	previously had been warned, cited and	
11	booked for violating LAMC section	
12	41.18(e).	
13	6. The Officers parked and exited	<b>Exhibit “1”</b> [Arrest Report], p. 2;
14	their police vehicle to investigate.	<b>Exhibit “2”</b> [BWV of Contreras];
15		Contreras Dec. at ¶ 4.
16	7. The Officers approached	<b>Exhibit “1”</b> [Arrest Report], p. 2;
17	Plaintiff’s tent and asked him to exit his	<b>Exhibit “2”</b> [BWV of Contreras] at
18	tent.	14:48:50 to 14:50:35; Contreras Dec. at
19		¶ 4.
20	8. However, Plaintiff opened the	<b>Exhibit “1”</b> [Arrest Report], p. 2;
21	flap of the tent and sprayed them with	<b>Exhibit “2”</b> [BWV of Contreras] at
22	pepper spray.	14:50:36 to 14:50:56; <b>Exhibit “5”</b>
23		[Criminal Complaint]; Contreras Dec.
24		at ¶ 5.
25	9. Plaintiff, who was wearing only	<b>Exhibit “1”</b> [Arrest Report], p. 2;
26	shorts and no shirt, then ran from his	<b>Exhibit “2”</b> [BWV of Contreras] at
27	tent and continued to pepper spray	14:50:55 to 14:51:30; <b>Exhibit “3”</b>
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1	towards the officers as they tried to	[BWV of Chavez] at 14:52:51; <b>Exhibit</b>
2	approach him.	<b>“5”</b> [Criminal Complaint] ; Contreras
3		Dec. at ¶ 6.
4	10. Plaintiff also ran into the street to	<b>Exhibit “1”</b> [Arrest Report], p. 2;
5	their police vehicle and pepper sprayed	<b>Exhibit “2”</b> [BWV of Contreras] at
6	it.	14:51:31 to 14:51:39; <b>Exhibit “5”</b>
7		[Criminal Complaint]; Contreras Dec. at
8		¶ 7.
9	11. The Officers requested back-up	<b>Exhibit “1”</b> [Arrest Report], p. 2;
10	to assist.	Contreras Dec. at ¶ 8.
11	12. Plaintiff then fled from the area	<b>Exhibit “1”</b> [Arrest Report], p. 2;
12	and the Officers chased him on foot.	<b>Exhibit “2”</b> [BWV of Contreras] at
13		14:52:43; <b>Exhibit “3”</b> [BWV of Chavez]
14		at 14:52:48; Contreras Dec. at ¶ 9.
15	13. Additional officers responded	<b>Exhibit “1”</b> [Arrest Report], p. 2;
16	and eventually took Plaintiff into	<b>Exhibit “2”</b> [BWV of Contreras] at
17	custody.	14:53:12 to 14: xx; <b>Exhibit “3”</b> [BWV
18		of Chavez] at 14:55:38; <b>Exhibit “4”</b>
19		[BWV of Espinoza] at 14:56:29;
20		Contreras Dec. at ¶ 10.
21	14. After he was taken into custody	<b>Exhibit “1”</b> [Arrest Report], p. 2;
22	and prior to being transported from the	<b>Exhibit “4”</b> [BWV of Espinoza] at
23	scene, Plaintiff admitted that he sprayed	14:58:24 to 15:00:29.
24	the Officers with pepper spray.	
25	15. Plaintiff was arrested for	<b>Exhibit “1”</b> [Arrest Report], p. 2.
26	violating California Penal Code section	
27	245(c) [assault with a deadly weapon	
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1	on a peace officer].	
2	16. Plaintiff did not have any visible	<b>Exhibit “1”</b> [Arrest Report], p. 2;
3	injuries on his person and no injuries	<b>Exhibit “2”</b> [BWV of Contreras];
4	were reported.	<b>Exhibit “4”</b> [BWV of Espinoza] at
5		14:56:29 to 15:05:33.
6	17. Officer Contreras did not draw	<b>Exhibit “1”</b> [Arrest Report], p. 2;
7	her police baton during the incident,	<b>Exhibit “2”</b> [BWV of Contreras];
8	and did not strike or make physical	<b>Exhibit “3”</b> [BWV of Chavez]; <b>Exhibit</b>
9	contact with Plaintiff.	<b>“4”</b> [BWV of Espinoza]; Contreras Dec.
10		at ¶ 6, ¶ 11.
11	18. On September 4, 2024, the City	<b>Exhibit “5”</b> [Criminal Complaint].
12	Attorney’s Office filed a misdemeanor	
13	complaint, that is signed by the	
14	prosecuting Deputy City Attorney,	
15	against Plaintiff charging him with	
16	violations of California Penal Code	
17	sections 148(a)(1) [resisting, delaying	
18	or obstructing officer], 240/241(c)	
19	[assault on peace officer], 22810(g)(1)	
20	[unlawful use of tear gas] and LAMC	
21	section 41.18(e) [sitting/sleeping/lying	
22	on sidewalk within 500 feet of	
23	school/daycare].	
24	19. Plaintiff appeared in court on	<b>Exhibit “6”</b> [Criminal court minute
25	September 4, 2024, for an arraignment	order dated 09/04/24].
26	and plea hearing.	
27	20. At the Arraignment hearing,	<b>Exhibit “6”</b> [Criminal court minute
28		

1	Plaintiff's mental competency was	order dated 09/04/24].
2	called into question, the criminal	
3	proceedings were suspended, and a	
4	psychiatrist was appointed to evaluate	
5	Plaintiff's competency.	
6	21. The matter was then transferred	<b>Exhibit "6"</b> [Criminal court minute
7	to the state court's Mental Health	order dated 09/04/24]; <b>Exhibit "7"</b>
8	Division for further proceedings.	[Mental Health Court minute order dated
9		09/18/24].
10	22. After evaluation, the Mental	<b>Exhibit "8"</b> [Mental Health Court
11	Health Division granted Plaintiff	minute order dated 10/02/24].
12	diversion on all charges with certain	
13	mental health treatment conditions and	
14	ordered him conditionally released on	
15	October 2, 2024.	
16	23. All charges were ultimately	<b>Exhibit "9"</b> [Mental Health Court
17	dismissed pursuant to Penal Code	minute order dated 10/23/24].
18	section 1385 (interest of justice) on	
19	October 23, 2024.	
20	24. No LAPD police officers,	<b>Exhibit "5"</b> [Criminal Complaint];
21	including Officer Contreras, were	Contreras Dec. at ¶ 12.
22	involved in or had any input in the court	
23	process in any manner.	

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28 **CONCLUSIONS OF LAW**

1           1. Defendant Monique Contreras is entitled to judgment as a matter of law on  
2 Plaintiff's Claim 19, excessive force in violation of the Fourth Amendment per 42  
3 U.S.C. Section 1983, because the undisputed evidence shows that Officer Contreras  
4 *never used any force* on Plaintiff. The Court has already made a finding of fact that  
5 Officer Contreras never used force on Plaintiff.

6           2. Defendant Monique Contreras is entitled to judgment as a matter of law on  
7 Plaintiff's Claim 20, malicious prosecution in violation of the Fourth Amendment per  
8 42 U.S.C. Section 1983, because the undisputed evidence shows that there was probable  
9 cause for the Penal Code § 245(c) charge, and there is no evidence to show that Officer  
10 Contreras had any involvement in the filing of criminal charges. The Court has already  
11 made a finding of fact as to the probable cause for the charge.

12           3. Additionally, Defendant Monique Contreras is entitled to summary  
13 judgment based on the doctrine of qualified immunity.  
14

15 Dated: June 13, 2025

**HYDEE FELDSTEIN SOTO**, City Attorney  
**DENISE C. MILLS**, Chief Deputy City Attorney  
**KATHLEEN KENEALY**, Chief Assistant City Attorney  
**CORY M. BRENT**, Senior Assistant City Attorney

18 By: Ty A. Ford

19 TY A. FORD, Deputy City Attorney  
20 *Attorneys for Defendant, MONIQUE CONTRERAS*  
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